

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS**

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www.hcd.ca.gov

**TITLE 25. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
(STATE HOUSING LAW)**

NOTICE IS HEREBY GIVEN that the California Department of Housing and Community Development (HCD) proposes to amend existing regulations governing hotels, motels, lodging houses, apartment houses, and dwellings including buildings and structures accessory thereto.

PUBLIC HEARING

HCD has not scheduled a public hearing on this proposed action. However, HCD will hold a hearing if a written request for a public hearing is received from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to HCD. All written comments must be received by HCD at this office no later than 5:00 p.m. on September 25, 2006 in order to be considered. Written comments may be submitted by mail, e-mail, or as follows:

By mail to: Department of Housing and Community Development
Division of Codes and Standards
P. O. Box 1407
Sacramento, CA 95812-1407
ATTN: Doug Hensel, Housing Standards Program

By e-mail to: dhensel@hcd.ca.gov

By facsimile to: (916) 327-4712
ATTN: Doug Hensel

AUTHORITY AND REFERENCE

Health and Safety Code section 17921 grants HCD the authority to adopt, amend, and repeal rules and regulations for the protection of the public health, safety and general welfare of occupants and the public by governing the erection, alteration, and maintenance of all hotels, motels, lodging houses, apartment houses, and dwellings, including buildings and structures accessory thereto. These regulations implement and interpret Health and Safety Code sections 17910 through 17998.3 (State Housing Law). The text of these statutes is available at <http://www.leginfo.ca.gov>.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws

The State Housing Law (SHL) contained in the California Health and Safety Code (HSC) commencing with section 17910 grants authority to the Department of Housing and Community Development (HCD) to adopt, amend and repeal rules and regulations for the protection of the public health, safety and general welfare related to the construction, use and maintenance of dwellings throughout the State of California.

Summary of Existing Regulations

The State Housing Program within HCD's Codes and Standards Division develops, administers and maintains uniform statewide building standards and regulations which provide protection of the public health, safety and general welfare related to the construction, use and maintenance of dwellings throughout the State of California.

Summary of Effect of Proposed Regulatory Action

The proposed action will clarify the type of activities over which HCD has authority and more closely mirror the authority given to HCD pursuant to California Health and Safety Code 17921. In addition, this action will align the construction permit requirements contained in California Code of Regulations Title 25, Division 1, Chapter 1, Subchapter 1, Article 3, Section 16 with the exemptions from permits contained in CCR Title 24, Part 2, the California Building Code; CCR Title 24, Part 3, the California Electrical Code; CCR Title 24, Part 4, the California Mechanical Code; and CCR Title 24, Part 5, the California Plumbing Code.

The section affected by this rulemaking and the specific purpose for the amendment contained in the proposed regulations is set forth in the Initial Statement of Reasons for this regulatory action. Non-regulatory amendments for grammatical reasons have also been made.

SECTION AFFECTED:

The specific section affected by this proposed action is Title 25, Division 1, Chapter 1, Subchapter 1, Article 3, Section 16.

POLICY STATEMENT OVERVIEW:

The State Housing Law Program within HCD is responsible for developing, administering and maintaining uniform statewide building standards and regulations applicable to use, maintenance, and occupancy of dwellings throughout the State of California.

DISCLOSURES REGARDING THE PROPOSED ACTION

HCD has made the following initial determinations:

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non-discretionary costs or savings imposed upon local agencies: NONE.

Costs or savings in federal funding to the state: NONE.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

HCD has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. In fact, HCD has determined that coordination between Title 24 and Title 25 permit requirements for minor work may serve to legitimize what is believed to be the common practice throughout the State of not issuing permits because the fees generated by such minor permits typically are not sufficient to cover the costs associated with them.

SMALL BUSINESS IMPACT STATEMENT

SMALL BUSINESSES may be affected by these regulations.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed amendments may provide a modest cost benefit to such persons in jurisdictions which follow a strict interpretation of the current requirements in Title 25.

HCD has determined that most local building departments currently do not issue permits for work associated with maintenance and repair of a minor nature when, in fact, a strict interpretation of the current language contained in Title 25, Division 1, Chapter 1, Subchapter 1, Article 3, Section 16 would require such permit. Nationally developed model building codes have typically exempted minor work from permit issuance. With this action, HCD will more closely align the permit requirements contained in Title 24, Title 25, and nationally developed codes, while aiding local enforcing agencies by giving them lawful authority to exempt such permits.

ASSESSMENT OF JOB/BUSINESS CREATION OR ELIMINATION

HCD has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

CONSIDERATION OF ALTERNATIVES

HCD must determine that no reasonable alternative considered by it, or that has otherwise been identified and brought to the attention of HCD, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action. HCD invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON(S)

HCD has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the rulemaking file,

including the exact language of the proposed regulations, the Initial Statement of Reasons, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from HCD at the following location or from the contact people listed below:

Department of Housing and Community Development
Division of Codes and Standards
1800 Third Street, Room 260
Sacramento, CA 95814
Fax (916) 327-4712

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on HCD'S website at the following address:

<http://www.hcd.ca.gov/codes/shl/>

Technical/substance queries regarding this regulatory proposal may be directed to:

Doug Hensel, Assistant Deputy Director, Housing Standards Program
Telephone Number: (916) 445-9471 / Fax (916) 327-4712
E-mail: dhensel@hcd.ca.gov

Technical/substance queries back-up contact person:

Jim McGowan, Program Operations Manager
Telephone Number: (916) 445-9471 / Fax (916) 327-4712
E-mail: jmcgowan@hcd.ca.gov

Questions regarding the regulatory process may be directed to:

Dee Benbow, Associate Governmental Program Analyst
Telephone Number: (916) 327-2801 / Fax (916) 327-4712
E-mail: dbenbow@hcd.ca.gov

Written comments may be submitted to:

Department of Housing and Community Development
Division of Codes and Standards
P. O. Box 1407
Sacramento, CA 95812-1407
ATTN: Doug Hensel

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following a 45-day public comment period, HCD may accept substantially related proposals or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of minor technical or grammatical changes, the text of any modified proposal will again be made available for at least a 15-day comment period from the contact person(s) designated in this Notice, and will be mailed to those persons who have submitted written or oral testimony related to this proposal or who have requested notification of any changes to the proposal. HCD will accept written comments on the modified regulations during the 15-day period.